

REMARKS

In the **non-final** Office Action mailed February 10, 2011 the Office noted that claims 1-5, 7-15 and 20 were pending and rejected claims 1-5, 7, 8 and 10-15. In this amendment claims 1, 7 and 8 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-5, 7-15 and 20 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

PRIORITY CLAIM

Applicants note the Examiner's statements regarding the priority documents and submit while there is not a one-to-one correspondence between either of the priority documents that the totality of the two documents discloses the features of the international application and the instant application.

REJECTIONS under 35 U.S.C. § 102

Claims 1-5, 7, 8 and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zinc, DE 20109056. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Applicants have amended claim 1 to recite in part "a fastening net **incorporated in the roll of roof covering material, extending from the fastening flap, wherein** the anchoring means

are connected via the fastening net to the flexible fastening flap." (Emphasis added) Support for the amendment may be found, for example, on page 3, last paragraph of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of claim 1.

The present claims are directed to a safety device comprising a fastening flap which forms part of a roll of roof-covering material, and a fastening net extending therefrom and being incorporated in the roll of roof covering material. Because the fastening flap is part of the roll of roof-covering material and the fastening net is incorporated therein, the safety device of the present invention may conveniently be applied to a wall simultaneous with the roof-covering material by rolling out the roll over the surface of the wall.

Moreover, the incorporation of the fastening net in the roll of roof-covering material results in a relatively strong and reliable connection between the fastening net and the fastening flap with an optimal distribution of forces in the event of a fall.

Zinc discusses a safety device comprising a woven mesh net which is secured on a roof by means of a heavy layer of gravel put on the net. Zinc discusses that the woven mesh net is placed over the roof-covering on top of a draining element. Zinc discloses two embodiments, represented by figures 1 and 2 respectively.

The first embodiment as shown in figure 1 of Zinc comprises the woven mesh net (1) to which anchoring means (5) are connected via welded body (6). There is no disclosure of a fastening net extending from the woven mesh net.

The second embodiment as shown in figure 2 of Zinc comprises a second layer woven mesh net (8) with smaller mesh size around the welded body (6) with anchoring means (5). This second layer woven mesh net (8) is placed on the present woven mesh net (1) ("auf das vorhandene Gewebe", page 4, 3<sup>rd</sup> paragraph Zinc).

First, the fastening net (8) of Zinc does not **extend** from the flexible fastening flap (1).

Zinc also fails to disclose or suggest a fastening net **incorporated** in a roll of roof-covering material. In fact, Zinc fails to disclose or suggest any strong and reliable connection between the fastening net and fastening flap. Instead, Zinc merely discloses to place a second layer woven mesh net (8) on the present woven mesh net (1).

There is further no disclosure in Zinc that the anchoring means are connected via the fastening net to the flexible fastening flap. Zinc only discloses that the anchoring means are connected to the woven mesh net (1) by means of the welded body (6). With respect to the second layer woven mesh net (8) Zinc only describes that this layer (8) is applied **around** the anchoring means. Accordingly there is also no disclosure or

suggestion in Zinc that the fastening flap (1) and fastening net (8) provide a shock absorption which can absorb a part of the kinetic energy in the event of a fall from the wall by a user.

Such absorption would be possible with the anchoring means connected to the fastening flap via the fastening net. However, in Zinc the fastening net (8) with smaller mesh size is merely applied around the anchoring means to allow use of smaller gravel granules, and hence no connection between the anchoring means and the fastening net (8) is disclosed or suggested.

Zinc also fails to disclose or suggest that the safety device may be conveniently applied to a wall simultaneous with the roof-covering material by rolling out the roll over the surface of the wall. In fact, the safety device of Zinc is placed over a present roof-covering (3).

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Zinc.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 102. It is also submitted that claims 1-5, 7-15 and 20 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is

requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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